

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-8 in the application. In a previous response, the Applicants amended Claims 1, 4 and 7, canceled Claims 3, 6 and 8 without prejudice or disclaimer and no new Claims were added. In the present response, the Applicants have amended Claims 1, 4 and 7 and have added new Claims 9-11. Support for the amendment can be found, for example, in paragraphs 24 and 35-36 of the original specification. Accordingly, Claims 1, 2, 4, 5, 7 and 9-11 are currently pending in the application.

I. Rejection of Claim 1 under 35 U.S.C. §102

The Examiner has rejected Claim 1 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,175,871 to Schuster, *et al.* The Applicants respectfully disagree.

Schuster relates to real time communication over packet networks. (*See* column 1, lines 17-19.) Schuster fails to disclose expanding an active speech frame according to a voicing classification for the active speech frame as recited in Claim 1. On the contrary, Schuster teaches lengthening and shortening silence periods based on the condition of a buffer. (*See* column 15, line 51, to column 16, line 13, and Figures 8-9.) Thus, in contrast, Schuster: 1) teaches lengthening a silent period instead of expanding an active speech frame and 2) lengthening or shortening the silent periods based on the condition of a buffer, not according to a voicing classification. As such, for at least these reason, Schuster does not teach each element of Claim 1 including: expanding an active speech frame according to a voicing classification for the active speech frame.

Therefore, Schuster does not disclose each and every element of Claim 1. Thus, Schuster does not anticipate Claim 1. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102 rejection with respect to Claim 1 and allow issuance thereof.

Regarding the new Claims, the Applicants also fail to find where Schuster discloses the additional limitations of Claims 9-11. The Applicants respectfully request the Examiner to indicate otherwise if the Examiner disagrees.

II. Rejection of Claim 2 under 35 U.S.C. §103

The Examiner has rejected Claim 2 under 35 U.S.C. §103(a) as being unpatentable over Schuster in view of U.S. Patent No. 6,369,722 to Murgia, *et al.* The Applicants respectfully disagree.

As argued above, Schuster does not teach each element of Claim 1 including expanding an active speech frame according to a voicing classification for the active speech frame. Schuster also does not suggest the same but instead is concerned with playout schemes related to the characteristics of buffers. (*See* column 3, lines 34-47, and Claims 3 and 13.) Thus, Schuster does not teach or suggest each element of Claim 1.

Murgia has not been cited to cure the noted deficiencies of Schuster but to teach the additional limitations of Claim 2. The cited combination of Schuster and Murgia, therefore, does not provide a *prima facie* case of obviousness of Claim 1 and Claim 2 which depends thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claim 2 and allow issuance thereof.

III. Rejection of Claims 4, 5 and 7 under 35 U.S.C. §103

The Examiner has rejected Claims 4, 5 and 7 under 35 U.S.C. §103(a) as being unpatentable over Schuster in view of U.S. Patent No. 6,351,730 to Chen and in further view of U.S. Patent 6,393,395 to Ananthapadmanabhan, *et al.* The Applicants respectfully disagree.

The Examiner relies on column 8, lines 35-50, of Schuster to disclose “classifying an active frame as voiced or not.” (*See* Examiner’s Final Rejection, page 5.) Column 8, lines 35-50, however, disclose an encoder 80 that generates silence frames to be transmitted. The cited section of Schuster does not teach or suggest “classifying a received active frame as one of (i) voiced, (ii) unvoiced, or (iii) transition” as recited in Claim 4. The Applicants fail to find where Chen cures this deficiency of Schuster. Additionally, Chen has not been cited to cure this deficiency but to teach filling frames using pitch characteristics. (*See* Examiner’s Final Rejection, page 5.) Ananthapadmanabhan also fails to cure the deficiencies of Schuster and Chen since Ananthapadmanabhan teaches coding input vectors (*see* column 11, lines 28-41), but appears to be silent regarding “classifying a received active frame as one of (i) voiced, (ii) unvoiced, or (iii) transition.”

The cited combination of Schuster, Chen and Ananthapadmanabhan, therefore, fails to teach or suggest each element of independent Claim 4. Thus, the cited combination does not provide a *prima facie* case of obviousness of Claim 4 and Claim 5 which depends thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 4-5 and allow issuance thereof.

Regarding independent Claim 7, the Applicants fail to find where the cited combination of Schuster and Chen teach or suggest limiting adaptation of received frames to expansion when an active frame is a voiced frame as recited in Claim 7. Additionally, one skilled in the art would not be motivated to combine Chen with Schuster since Schuster discloses lengthening using silent frames (which would appear to lack a pitch period) and Chen discloses lengthening by pitch period copying. As such, the combination of Chen and Schuster is improper.

Thus, for at least the above reasons, the combination of Chen and Schuster does not provide a *prima facie* case of obviousness of Claim 7. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claim 7 and allow issuance thereof.

IV. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1, 2, 4, 5, 7 and 9-11.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 20-0668.

Respectfully submitted,

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